

Atty. Dkt. No. 086055-0103

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

By the present communication, claims 7 and 13 are amended. Claims 8 and 14 are cancelled. The amendments add no new matter and are fully supported by the specification, as originally filed. Thus, claims 7, 9-13 and 15-18 are pending in the application.

## RESPONSE TO REJECTIONS UNDER 35 USC 102(e)

The rejection of claims 7-12 under 35 USC 102(e) as allegedly being anticipated by Kenyon (US Pat. No. 6,701,343) is respectfully traversed. The present invention, as defined for example by amended claim 7, distinguishes over Kenyon by providing a method for allowing a plurality of companies to create a website based upon characteristic information of each company, dividing storage space on a server and assigning the divided storage space to each company, wherein each company is then able to allow customers to store images in a portion of the divided storage space partitioned for the customer's use. By the above features, each company may then provide online digital image processing and storage services to customers without having to invest in devices such as costly servers. Kenyon does not teach such a method.

In contrast, Kenyon merely provides a system which includes an online template which a user fills out to create a web page. Once prepared, the web page can be accessed and updated by other users. Kenyon does not teach a method wherein a portion of a database is partitioned to a service company for storage of customer's digital images. Nor does Kenyon teach a method whereby customers are able to upload digital images to a website, wherein the images may then be accessed by the customer and processed by the company. Thus, every element of the claim is not disclosed by Kenyon. Reconsideration and withdrawal of the rejections are respectfully requested.

Atty. Dkt. No. 086055-0103

## RESPONSE TO REJECTIONS UNDER 35 USC 103(a)

To establish a *prima facie* case of obviousness, three criteria must be met; there must be some motivation or suggestion, either in the cited publications or in knowledge available to one skilled in the art, to modify or combine the cited publications; there must be a reasonable expectation of success in combining the publications to achieve the claimed invention; and the publications must teach or suggest all of the claim limitations. *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP § 2142. In analyzing obviousness, the Court of Appeals for the Federal Circuit has repeatedly cautioned that:

[t]he factual inquiry... must be based upon objective evidence of record.... [T]he best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references.... [P]articular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.

*In re Sang-Su Lee*, 277 F.3d 1338, 1343 (Fed. Cir. 2002) (internal citations omitted).

The rejection of claims 13-18 under 35 USC 103(a) as allegedly being obvious over Kenyon in view of Shiota et al. (US Pat. No. 6,324,521) is respectfully traversed. As acknowledged by the Examiner, Kenyon does not teach that the service companies can be a plurality of photolabs. (See Office Action p. 5). The Examiner relies upon Shiota for the teaching that the service company can be a photolab.

Shiota, however, merely discloses a system for transferring a user's order to a photolab via a center server and the subsequent printing of the print images by the photolab. Shiota does not teach a network system wherein a central processing system is configured to be partitionable for providing websites for a plurality of service companies. Nor does Shiota provide a method whereby the customer of the service company can access the database which is partitioned to the website of that company, thereby allowing the company to provide the service to the customer.

Atty. Dkt. No. 086055-0103

Thus, the combination of Kenyon and Shiota does not teach every element of the claim.

Reconsideration and withdrawal of the rejections are respectfully requested.

#### CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date

Feb. 10, 2006

By



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